

John Boehner
Chairman
8th District, Ohio

*House Meets at 10:30 a.m. for Morning Hour and
12:00 Noon for Legislative Business
(No Votes Before 5:00 p.m.)*

Anticipated Floor Action:

- H.R. 2644—United States-Caribbean Trade Partnership Act**
**H.R. 1967—Clarifying Current Copyright Law Regarding Pre-1978
Publication of Sound Recordings**
H.R. 2265—No Electronic Theft Act
**H.R. 1493—Requiring the Attorney General to Establish a Program to Identify
Criminal Aliens Unlawfully Present in the U.S**
H.J.Res. 91—Apalachicola-Chattahoochee-Flat River Basin Compact
H.J.Res. 92—Alabama-Coosa-Tallapoosa River Basin Compact
H.R. 1702—Commercial Space Act
H.R. 1839—National Salvage Motor Vehicle Consumer Protection Act
H.R. 1836—Federal Employees Health Care Protection Act
H.R. 2675—Federal Employees Life Insurance Improvement Act
H.R. 404—Authorizing the Transfer of Surplus Property from Military Bases
S. 588—Eagles Wilderness Slate Creek Addition
S. 589—Raggeds Wilderness Boundary Adjustment Act
S. 591—White River National Forest Boundary Adjustment Act
H.R. 434—Carson National Forest and Santa Fe National Forest Land Conveyance
**H.R. 1856—National Wildlife Refuge System Volunteer and Community
Partnership Act**
S. 587—Hinsdale, Colorado Land Conveyance
**S. 931—Majory Stoneman Douglas Wilderness and Ernest F. Coe Visitor
Center Designation Act**
H.R. 1604—Ottawa and Chippewa Judgment Funds Distribution Act
H.R. 948—Burt Lake Band of Ottawa and Chippewa Indians Act

--Continued on Next Page--

H.R. 2476—HELP Scholarships Act
H.R. 2616—Charter Schools Amendments Act



Bills Considered Under Suspension of the Rules

Floor Situation: The House will consider the following 20 bills under suspension of the rules as its first order of business today. Each is debatable for 40 minutes, may not be amended, and requires a two-thirds majority vote for passage.

H.R. 2644—United States-Caribbean Trade Partnership Act amends current law to grant certain products from Caribbean and Central American countries duty-free access when they are imported into the U.S. for a period of 14 months, beginning May 15, 1998. Products which are affected by this change include (1) textiles and apparel, (2) canned tuna, (3) petroleum and petroleum-related products, (4) footwear, (5) handbags, (6) luggage, (7) work gloves, (8) leather-wearing apparel, and (9) certain watches. This change, based on the 1983 Caribbean Basin Economic Recovery Act (CBERA), is designed to restore trade benefits previously extended to products from this region which were lost with the enactment of the 1994 North American Free Trade Agreement (NAFTA); as a result, commodities imported from many countries in the region will receive similar tariff treatment to those imported from Mexico, which are currently exempt from import tariffs. The bill is also intended to promote and preserve economic investment into this region of the world. A CBO cost estimate was unavailable for the bill at press time. H.R. 2644 was introduced by Mr. Archer and Mr. Crane and was reported by the Ways & Means Committee by voice vote on October 9, 1997.

H.R. 1967—Clarifying Current Copyright Law Regarding Pre-1978 Publication of Sound Recordings clarifies current copyright law concerns regarding professional music recordings released before 1978. A recent Ninth Circuit Court of Appeals decision places such recordings at risk for being reproduced by other artists without permission from their originators. Specifically, the bill is intended to reverse the effect of the Ninth Circuit opinion, affirming that a phonorecord release is *not* a publication and, as such, does not require a public notice of copyright to comply with the 1909 Copyright Act. CBO estimates that enactment will have no significant impact on the federal budget. H.R. 1967 was introduced by Mr. Coble and was reported by the Judiciary Committee by voice vote on October 7, 1997.

H.R. 2265—No Electronic Theft Act criminalizes computer theft of copyrighted works regardless of whether the person committing the illegal transaction profits from the theft. These acts are punishable as wire fraud under Title 17 of the U.S. Code. CBO estimates that enactment will have no significant effect on the federal budget. H.R. 2265 was introduced by Mr. Goodlatte *et al.* and was reported by the Judiciary Committee by voice vote on October 7, 1997.

H.R. 1493—Requiring the Attorney General to Establish a Program to Identify Criminal Aliens Unlawfully Present in the U.S. authorizes a new program, subject to appropriation, to identify individuals in the criminal justice system at the local level who are in the U.S. illegally and can be deported. While the bill does not include a specific dollar amount, it is expected that the

program will cost up to \$80 million over the next five years. Beginning in FY 1999, the program specifically directs the Attorney General to assign Immigration and Naturalization Service (INS) employees to between 10 and 25 jails or prisons located in, and owned by, local law enforcement jurisdictions, to locate criminal aliens for deportation before they are processed through the criminal justice system. The bill directs the Attorney General to expand the program to 100 such locations by FY 2002. CBO estimates that enactment will result in discretionary outlays of \$84 million between FY 1999 and FY 2002. The bill was introduced by Mr. Gallegly *et al.* and was reported by the Judiciary Committee by voice vote on September 9, 1997.

H.J. Res. 91 and H.J. Res. 92—Granting the Consent of Congress to Two River Basin Compacts gives congressional consent to state-initiated agreements between Alabama, Georgia, and Florida, settling a long-running controversy over how to best allocate waters in several rivers shared by the states. A total of six rivers—the Apalachicola, Chattahoochee, Flint, Alabama, Coosa, and Tallapoosa Rivers—are affected by two separate state interstate compacts which have, prior to being introduced in Congress, been ratified by their respective state legislatures to regulate the use of the rivers drinking water, industrial purposes, and recreation between the three states. In an attempt to balance the various uses and needs of each state’s populations, two compacts—virtually identical—were written and ratified by each state to determine the amount of water to be directed to each state and used to meet resident needs. CBO did not complete a cost estimate for the resolutions. The resolutions were introduced by Mr. Barr (H.J. Res. 91) and Mr. Callahan (H.J. Res. 92) and were reported by the Judiciary Committee by voice vote on October 29, 1997.

H.R. 1702—Commercial Space Act attempts to encourage the development of a commercial space industry by updating government regulatory procedures and promoting American entrepreneurialism. Specifically, the bill (1) directs the NASA Administrator to examine the costs, benefits, and role of commercial ventures to assist in building the International Space Station and employ the services and research of the private sector whenever it is cost effective; (2) increases regulations for licenses to own and operate a remote sensing satellite; and (3) requires the federal government to procure launch services from U.S. commercial providers and plan missions to accommodate the space transportation capabilities of U.S. commercial providers. The bill also requires the Commerce Secretary to publish uniform requirements to own and operate a remote sensing satellite and to accept or reject a commercial application for a launch reentry or site operator license within 60 days of receipt. Finally, the bill seeks to make the U.S. Global Positioning Standard the world standard by promoting international cooperation and continuing to maintain a navigation signal free of direct user fees. CBO estimates that enactment will result in increased discretionary spending of \$4 million to \$7 million over the next five years, depending on the cost of analyzing and studying each choice of a space transportation system and assuming appropriation of the necessary amounts. The bill was introduced by Mr. Sensenbrenner and ordered reported by the Science Committee by voice vote.

H.R. 1839—National Salvage Motor Vehicle Consumer Protection Act amends the 1994 Anti-Car Theft Act (*P.L. 103-272*) to require the Transportation Secretary to establish nationally uniform definitions and procedures for titling, registering, and transferring salvage, rebuilt, and nonrepairable vehicles. The bill also outlines requirements for states participating in the National Motor Vehicle Title Information System (NMVTIS), a federal computer system created by the Anti-Car Theft Act, to assist states in obtaining instant and reliable information about titling documents of other states. CBO estimates that enactment will result in additional discretionary spending of approximately \$700,000 over the next five fiscal years, assuming appropriation of the necessary amounts. CBO also estimates discretionary savings of approximately \$15 million, assuming that full funding for the

NMVTIS would otherwise have been appropriated from 1998-2002. The bill was introduced Mr. White and ordered reported by the Commerce Committee voice vote.

H.R. 1836—Federal Employees Health Care Protection Act amends the Federal Employees Health Benefit Plan (FEHBP) to expand the power of the Office of Personnel Management (OPM) to sanction fraudulent health care providers. Specifically, the bill (1) authorizes OPM to debar and fine fraudulent health care providers participating in the FEHBP, (2) stipulates that the OPM may debar a provider prior to an administrative hearing, (3) mandates that health care providers convicted of criminal offenses be debarred from the program, and (4) requires debarment to last for three years. The bill also permits Federal Deposit Insurance Corporation (FDIC) and Federal Reserve Board (Fed) employees who are currently ineligible for the FEHBP because of a change in the agencies' health coverage to be covered by FEHBP. The bill increases from \$20,000 to \$30,000 the maximum amount that federal agencies may pay for the physicians comparability allowance. The bill requires FEHBP carriers and their subcontractors to disclose in writing any discounted rate contracts with health care providers or be prohibited from accessing discounts. Finally, the bill explicitly expands direct access and direct payments to health care providers that are not enumerated under current law. The bill was introduced by Mr. Burton and was reported by the Government Reform & Oversight Committee by voice vote.

H.R. 2675—Federal Employees Life Insurance Improvement Act requires the Office of Personnel Management (OPM) to submit a proposal to Congress to expand the choice of life insurance benefits which are offered to federal employees by the Federal Employees Group Life program (FEGLI). Specifically, the proposal must include detailed plans and costs of offering federal employees the option to purchase group universal and variable life insurance, as well as additional voluntary accidental death and dismemberment insurance. The bill also (1) increases the amount of life insurance an employee may purchase for a family member from \$5,000 to \$25,000 for spouses, and from \$2,500 to \$12,500 per child, and (2) directs OPM to establish an open season for employees to enroll or expand life insurance for family members. Finally, the bill permits employees over age 65 to carry additional optional insurance at full face value at their own expense. The bill was introduced by Mr. Mica and was reported by the Government Reform & Oversight Committee by voice vote.

H.R. 404—Authorizing the Transfer of Surplus Property from Military Bases amends the 1949 Federal Property and Administrative Services Act to authorize the transfer of surplus property from military bases to state and local governments for law enforcement and public safety purposes. CBO estimates that enactment will have no significant impact on the federal budget. The bill was introduced by Mr. Calvert and was reported by the Government Reform & Oversight Committee by voice vote.

S. 588—Eagles Nest Wilderness Slate Creek Addition authorizes the addition of the 160-acre Slate Creek tract to the Eagles Nest Wilderness if the land is acquired by the United States before December 31, 2000. CBO estimates that enactment will have no significant effect on the federal budget. The Senate passed S. 588 on October 9, 1997, by unanimous consent. The House passed similar legislation, H.R. 985, by a vote of 412-4 on June 17, 1997.

S. 589—Raggeds Wilderness Boundary Adjustment Act directs the Agriculture Secretary to convey to private landowners of the Crystal Meadows Subdivision in Gunnison County, Colorado, specific lands within the Raggeds Wilderness Area of the White River National Forest. The bill

allows the secretary to sell the affected property under the authority of the Small Tracts Act (*P.L. 97-465*). CBO estimates that enactment will have no significant effect on the federal budget. The Senate passed S. 589 on October 9, 1997, by unanimous consent. The House passed similar legislation, H.R. 1019, by voice vote on June 3, 1997.

S. 591—White River National Forest Boundary Adjustment Act adjusts the boundary of the Arapaho and White River National Forest in Colorado so that the Dillon Ranger District becomes an official part of the White River National Forest. CBO estimates that enactment will have no significant effect on the federal budget. The Senate Energy and Natural Resources Committee reported S. 591 by voice vote on October 6, 1997. The Senate passed S. 591 on October 9, 1997, by unanimous consent. The House passed similar legislation, H.R. 1020, by voice vote on June 3, 1997.

H.R. 434—Carson National Forest and the Santa Fe National Forest Land Conveyance Act authorizes the Agriculture Secretary to convey (either through sale or exchange) two small parcels of land to two New Mexico towns for municipal use. Under the bill, five acres in the Carson National Forest will be transferred to the village of El Rito to expand its cemetery. The bill also transfers a one-acre parcel in the Santa Fe National Forest to the town of Jemez Springs as a site for a fire substation to provide room for additional water tankers. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Richardson; the Resources Committee reported the bill by voice vote.

H.R. 1856—National Wildlife Refuge System Volunteer and Community Partnership Act establishes a volunteer pilot project within the Fish and Wildlife Service (FWS) and authorizes the Interior Secretary to enter into cooperative agreements to encourage participation in volunteer programs at national wildlife refuges. The bill also authorizes the Interior Secretary to accept funds generated pursuant to a cooperative agreement, deposit them in an account in the Treasury, and disburse them to carry out activities specified in the agreement or for other uses related to volunteer activities. The bill authorizes appropriations of \$2.05 million in each of the next five fiscal years, including \$1.05 million to be divided equally among the seven pilot projects and \$1 million to carry out cooperative projects that benefit refuges. Assuming appropriation of authorized amounts, CBO estimates that the FWS will spend about \$10 million over the next five fiscal years. The bill was introduced by Mr. Saxton; the Resources Committee reported the bill by voice vote.

S. 587—Hinsdale, Colorado Land Conveyance requires the Interior Secretary to convey a 560-acre tract currently managed by the Bureau of Land Management (BLM) in Hinsdale County, Colorado, to Lake City Ranches, Ltd. In exchange, the BLM receives land of equal value within the Handies Peak or Red Cloud Peak Wilderness Study Areas, or the Alpine Loop Backcountry bi-way in the county. CBO estimates that enactment will have no significant impact on the federal budget. The Senate passed S. 587 by unanimous consent on October 9, 1997. The House passed similar legislation, H.R. 951, by voice vote on July 8, 1997.

S. 931—Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Designation Act designates wilderness, currently part of the Everglades National Park, as the Marjory Stoneman Douglas Wilderness, and names a visitor center in Everglades City, Florida, after Mrs. Douglas. The bill also names a new visitor center at the Everglades National Park headquarters as the Ernest F. Coe Visitor Center. CBO estimates that enactment will have no significant effect on the federal budget. The bill was introduced by Senator Graham on June 18, 1997, and passed the Senate by unanimous consent on September 16, 1997. The bill was not considered by a House committee.

H.R. 1604—Ottawa and Chippewa Indians Judgment Funds Distribution Act establishes procedures to divide, use, and distribute funds that were awarded in 1971 to five Indian tribes (the Sault Ste. Marie Tribe of Chippewa Indians, the Bay Mills Indian Community, the Grand Traverse Band of Ottawa and Chippewa Indians, the Little Traverse Bay Bands of Odawa Indians, and the Little River Band of Ottawa Indians) in Michigan pursuant to judgments by the Indian Claims Commission. CBO estimates that enactment will have no significant impact on the federal government. The bill was introduced by Mr. Kildee; the Resources Committee reported the bill by voice vote.

H.R. 948—Burt Lake Band of Ottawa and Chippewa Indians Act restores federal recognition to the Burt Lake Band of Ottawa and Chippewa Indians. Although the bill does not specifically authorize the appropriation of funds, the legislation makes members of the band eligible for all services and benefits available to federally recognized Indian tribes. CBO estimates that enactment will cost the federal government approximately \$12 million over the FY 1998-2002 period, assuming (1) appropriation of necessary amounts, and (2) that the tribe receives services and benefits at the national average per-capita rate. The bill was introduced by Mr. Kildee; the Resources Committee reported the bill by voice vote.

Additional Information: See *Legislative Digest*, Vol. XXVI, #31, October 31, 1997.



H.R. 2746—HELP Scholarships Act

Floor Situation: The House will consider H.R. 2746 after it completes consideration of the scheduled suspensions. On Friday, the House approved, as part of the rule for H.R. 2616, a closed rule providing for two hours of general debate, equally divided between the chairman and ranking minority member of the Education & the Workforce Committee. Finally, the rule provides for one motion to recommit, with or without instructions. After passage of both H.R. 2616 and H.R. 2746, the rule provides that both bills will be engrossed together and sent to the Senate as a single bill (H.R. 2616).

Summary: H.R. 2746 authorizes states to use Title VI block grants under the Elementary and Secondary Education Act to provide scholarships to low-income families to send their children to private schools, including religious schools. The bill stipulates that states which choose to offer scholarships must use the funds to expand parental choice of schools in poor communities, and provide scholarships only to families who earn less than 185 percent of the poverty level. The bill also stipulates that each scholarship must be equivalent to at least 60 percent of the per pupil expenditure, but no more than 100 percent of the per pupil expenditure of the district. A CBO cost estimate was unavailable at press time. The bill was introduced by Mr. Riggs et al., but not considered by a committee.

Views: The Republican Leadership supports passage of the measure. The Clinton Administration is strongly opposed to the bill and has threatened a veto.

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



H.R. 2616—Charter Schools Amendment Act

Floor Situation: The House will consider H.R. 2616 after it completes consideration of H.R. 2746. On Friday, the House approved an open rule providing one hour of general debate, equally divided between the chairman and ranking minority member of the Education & the Workforce Committee. It makes in order a committee amendment in the nature of a substitute as base text. The rule also makes in order a manager's amendment by Mr. Riggs, debatable for 10 minutes equally divided between a proponent and an opponent. The rule grants priority in recognition to members who have their amendments pre-printed in the *Congressional Record*. The Chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, provided that it takes place following a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

After passage of both H.R. 2616 and H.R. 2746, the rule provides that both bills will be engrossed together and sent to the Senate as a single bill (H.R. 2616).

Summary: H.R. 2616 authorizes \$100 million for charter schools for FY 1998 and amends the Public Charter Schools Act (*P.L. 103-382*) to provide financial assistance to start new public charter schools, increase the total number of charter schools, and evaluate their success. The bill creates a tier by which charter school grants may be distributed based on certain criteria and prioritizes funding to schools that meet the most criteria. The bill also (1) includes charter schools as a possible recipient of funds for the flexible Title VI block grants to states to improve education; (2) reduces—from 10 percent to five percent of the annual appropriation—the amount that the Education Secretary can spend at the federal level; (3) requires the Education Secretary to guarantee that each charter school receives all federal funds that it is eligible for during the first calendar year that it is open, and (4) extends from three to five years the period during which charter schools may qualify for a federal grant. CBO estimates that enactment will result in total discretionary outlays of \$455 million over the next five years. The bill was introduced by Mr. Riggs and was ordered reported by the Education & the Workforce Committee by a vote of 24-8.

Views: The Republican Leadership supports passage of the measure. The Clinton Administration supports the bill generally, but is concerned about increasing the period during which charter schools may qualify for federal grants. In addition, the administration has threatened to veto the bill if it includes the text of H.R. 2746.

Amendments: The rule makes in order a manager's amendment by Mr. Riggs, debatable for 10 minutes equally divided between a proponent and an opponent:

— *Manager's Amendment* —

Mr. Riggs will offer a manager's amendment, debatable for 10 minutes, to (1) clarify that state distribution of information about the best charter school practices should be done with minimum paper work by the school and the state, and (2) require that new and expanding charter schools receive all the federal funds they are eligible for within the first five months of opening. **Staff Contact:** *Denzel McGuire, x5-6558*

At press time, the *Legislative Digest* was aware of the following other amendments to H.R. 2616:

Mr. Clyburn may offer an amendment to require states that apply for charter school funds to ensure that the population of a charter school reflects similar racial and gender composition as other public schools in the area. The member argues that charter schools are public schools and therefore should reflect the racial and gender composition of the community. Opponents argue that some charter schools are started to reach at-risk students and, therefore, are less likely to represent the composition of entire community. *Staff Contact: Lindy Birch, x5-3315*

Ms. Hooley may offer one of two amendments (#2 or #3) to maintain the current law definition of charter schools. The bill changes the definition to require a specific state law regarding charter schools and a written contract for the charter which is agreed upon by the school and the chartering agency. The member argues that under current law, the charter schools in the state of Oregon qualify for federal funds, but would not under the bill. Opponents of the amendment argue that a specific contract is essential to separate a charter school from a traditional school, as well as bind the school to measures of success. *Staff Contact: Grey Gardner, x6-8046*

Mr. Martinez may offer an amendment to require charter applicants to specify how they will meet the needs of students with disabilities as required by the Individuals with Disabilities in Education Act (IDEA, *P.L. 105-17*). The member argues that several charter schools are not complying with the federal statute and requiring a written plan will promote compliance. Opponents argue that the charter schools already are required to comply with IDEA and that the amendment places a reporting requirement on charter schools that is not required by other public schools. *Staff Contact: Alex Nock, x6-2068*

Mr. Martinez may offer an amendment to maintain current law provisions which allow charter schools to receive federal grants for three years. The bill currently increases the time charter schools may qualify for federal grants to five years. The member argues that federal grants are intended only for start-up costs, but providing federal funding to charter schools for five years contributes to operating expenses. Opponents of the amendment argue that the first five years of a charter school are crucial and extending a school's grant eligibility may make a difference in whether the school is successful or not. *Staff Contact: Alex Nock, x6-2068*

Mr. Martinez may offer an amendment to (1) place priority for national funds on evaluating charter schools and (2) expand the scope of the evaluation to include admission and staffing procedures. The Education Department is currently conducting a four-year evaluation of the impact of charter schools on student achievement. Under the bill, priority for national funds is placed on helping charter schools solicit private funds. *Staff Contact: Alex Nock, x6-2068*

Mr. Martinez may offer an amendment to require that charter schools receive federal funds (i.e., Title I and IDEA funding) in the same manner as other public schools. Assuming that the manager's amendment is adopted, the bill requires that charter schools receive all federal funds within the first five months of operation. In the past, several charter schools have not received all the federal funds they qualify for because the funds are based on the previous year's enrollment, so statistics are not available for the current year. The member argues that charter schools are public schools and should be subject to the same federal laws. Opponents argue that the number one reason charter schools fail is because they do not receive federal funds during the first year of operation, and that the amendment replaces one of the largest road blocks charter schools face. *Staff Contact: Alex Nock, x6-2068*

Mr. Traficant may offer an amendment (#1) to require that contracts granted to carry out the provisions in the bill comply with the Buy American Act. The amendment expresses the sense of Congress that contractors who receive funds under the bill should purchase only American-made products, and bars any person who has been convicted of fraudulently using a “Made in America” inscription, or any inscription with the same meaning, from receiving any contract or subcontract involving funds authorized by the bill. *Staff Contact: Dan Blair, x5-5261*

Additional Information: See *Legislative Digest*, Vol. XXVI, #30, October 24, 1997.



PLEASE NOTE: UNDER AN OPEN RULE, MEMBERS MAY OFFER NEW AMENDMENTS TO A BILL AT ANY TIME, REGARDLESS OF WHETHER THEY HAVE BEEN PRE-PRINTED IN THE *CONGRESSIONAL RECORD*.

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Legislative
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Amendment

Alert!

Please attach the text of the amendment (if available) and fax to the *Legislative Digest* at x5-7298

John Boehner
Chairman
8th District, Ohio

Member Sponsoring Amendment: _____ Bill #: _____

Additional Co-sponsors (if any): _____

Staff Contact: _____ Phone #: _____ Evening Phone #: _____

Description of the amendment: _____

(Please include any additional or contextual information)

Reason for offering amendment (e.g., How will this change the bill or current law? Why should members support this change?): _____

Legislative Digest reserves the right to edit descriptions for style, readability, and provisional accuracy.

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